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071037Z Jan 02

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ACTION AF-00

INFO	LOG-00	NP-00	ACQ-00	CIAE-00	INL-00	USNW-00	DODE-00
	WHA-00	DS-00	EAP-00	VC-00	TEDE-00	INR-00	IO-00
	VCE-00	M-00	NSAE-00	NSCE-00	OIC-02	IRM-00	SSO-00
	SS-00	DSCC-00	DRL-02	NFAT-00	SAS-00	/004W	
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FM AMEMBASSY HARARE
TO SECSTATE WASHDC IMMEDIATE 0652
INFO USMISSION USUN NEW YORK PRIORITY
AMEMBASSY ABUJA PRIORITY
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PRIORITY
AMEMBASSY OTTAWA PRIORITY
AMEMBASSY CANBERRA PRIORITY

C O N F I D E N T I A L HARARE 000050

SIPDIS

AF FOR A/S KANSTEINER, DAS BELLAMY AND AF/S

NSC FOR AFRICA SR DIR FRAZIER

E.O. 12958: DECL: 01/07/2012

TAGS: [PREL](#) [PGOV](#) [ZI](#)

SUBJECT: ZIMBABWE: PROBLEMS ON LAND DISTRIBUTION AND
DEEPER PROBLEMS ON HUMAN RIGHTS AND DEMOCRATIC PRACTICE

REF: ABUJA 005(NOTAL)

CLASSIFIED BY AMBASSADOR SULLIVAN FOR REASONS 1.5B/D

1. (C) WITH RESPECT TO PRESIDENT OBASANJO'S COMMENTS ON DEVELOPMENTS IN ZIMBABWE(REFTEL), WE OFFER THE FOLLOWING COMMENTS ON THE LAND DISTRIBUTION PROGRAM AND CALL ATTENTION TO THE INCREASED VIOLENCE, INTIMIDATION AND VIOLATION OF THE RULE OF LAW WHICH THREATEN HUMAN RIGHTS AND THE DEMOCRATIC PROCESS. WHILE THE ABUJA AGREEMENT GAVE PRIORITY TO RESTORING THE RULE OF LAW IN THE LAND REFORM PROCESS, IT ALSO CALLED FOR RESPECT FOR HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES. ORGANIZATION OF AN ELECTION, WHICH IS PERCEIVED DOMESTICALLY AND INTERNATIONALLY AS FREE AND FAIR, AND WHOSE RESULTS WILL BE ACCEPTED AS LEGITIMATE, IS CRITICAL FOR ZIMBABWE'S FUTURE. THUS FAR, THE OPPOSITE HAS BEEN THE TREND AND THE ACTIVE ENGAGEMENT OF ALL OF AFRICA'S DEMOCRATICALLY ELECTED LEADERS IN PRESSING FOR RESPECT FOR HUMAN AND CIVIC RIGHTS AND A FREE AND FAIR ELECTIONS IS EXTREMELY IMPORTANT.

ON LAND

2.(C) SINCE THE ABUJA AGREEMENT, THE GOZ HAS STATED REPEATEDLY THAT IT HAS COMPLIED FULLY WITH ITS ABUJA COMMITMENTS, WHILE FAULTING THE UK AND OTHER POTENTIAL DONORS FOR NOT PROVIDING "PROMISED" SUPPORT. THE REPORT OF THE UNDP-LED MISSION FOCUSED ON LAND ASPECTS OF THE ABUJA AGREEMENT IS EXPECTED THIS WEEK. WHILE IN ZIMBABWE, THE TEAM, LED BY UNDP AFRICA DIRECTOR ABDOULIE JANNEH, FOUND MANY FLAWS IN THE LAND DISTRIBUTION
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PROCESS AND DOCUMENTED AN ENORMOUS DECLINE IN ACREAGE BEING TILLED DUE TO THE CHAOTIC NATURE OF THE LAND DISTRIBUTION PROCESS. SUBJECT TO ENORMOUS GOZ PRESSURE, THE UNDP-LED TEAM REFRAINED FROM RELEASING A FORMAL REPORT DURING THEIR VISIT, BUT WE WOULD EXPECT THE FINAL REPORT TO SPEAK POLITELY, BUT FRANKLY, ABOUT THE MANY FLAWS IN IMPLEMENTATION OF THE LAND DISTRIBUTION PROGRAM.

3.(C) THE GOZ'S BOAST THAT ITS LAND DISTRIBUTION PROGRAM IS NOW TOTALLY IN COMPLIANCE WITH THE RULE OF LAW IS BASED PRINCIPALLY ON THE CONTROVERSIAL JUDGMENT OF THE RECONFIGURED SUPREME COURT REVERSING AN EARLIER SUPREME COURT DECISION. WHETHER LEGAL UNDER NEW GOZ LEGISLATION AND COURT RULINGS OR NOT, LAND DISTRIBUTION IS BEING CARRIED OUT IN A LARGELY OPAQUE MANNER AND, IN MANY CASES, TO THE BENEFIT OF ZANU-PF INSIDERS. THE ZIMBABWE HUMAN RIGHTS NGO FORUM, A GROUP OF TEN PROMINENT NGO'S PUBLISHED ON DEC 17 A REPORT ON THE ABUJA AGREEMENT (FOUND IN WWW.ZWNEWS.COM/ABUJA3.COM). THE REPORT CONCLUDED THAT "INVASIONS OF THE FARMS HAVE NOT CEASED SINCE THE ABUJA AGREEMENT AND . IN SOME AREAS VIOLENCE MAY EVEN HAVE WORSENERED." THE REPORT OFFERS SUBSTANTIAL DOCUMENTATION OF ITS ASSERTIONS.

ON HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES

4.(C) REGARDING THE GOZ'S COMMITMENTS TO RESPECT HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES, THE ZIMBABWE HUMAN RIGHTS NGO FORUM (OP. CIT.) CONCLUDED THAT, BEGIN QUOTE:
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THE GOZ IS TAKING STEPS INIMICAL TO ITS ABUJA COMMITMENTS. THE GOZ ACTIONS SUGGEST THAT IT INTENDS TO HOLD ELECTIONS AGAINST A BACKGROUND OF ORGANIZED VIOLENCE AND TORTURE AND WITHIN A FRAMEWORK INIMICAL TO COMMON STANDARDS FOR FREE AND FAIR ELECTIONS. END QUOTE

5.(C) THESE ISSUES GO BEYOND DIFFERENCES OVER ELECTION RULES OR ELECTION OBSERVATION. THE EMBASSY HAS SOLID INFORMATION THAT THE GOZ AND ZANU-PF ARE MAKING DELIBERATE USE OF WAR VETERANS AND GOVERNMENT-TRAINED YOUTH BRIGADES TO INTIMIDATE, BEAT AND TORTURE PEOPLE WHO ARE LINKED TO THE OPPOSITION OR WHO CANNOT PRODUCE EVIDENCE OF ZANU-PF AFFILIATION. IN THE LAST SEVERAL WEEKS, AT LEAST FIVE OPPOSITION MDC ACTIVISTS HAVE BEEN KILLED BY SUCH GANGS. IN ADDITION, THE GOZ HAS INTRODUCED NEW LEGISLATION WHICH WILL PROVIDE FOR HEAVY STATE LIMITS ON FREEDOM OF INFORMATION, INTRODUCE NEW PENALTIES IN THE NAME OF PUBLIC SECURITY AND MAKE THE ELECTORAL PROCESS INCREASINGLY SUBJECT TO GOVERNMENT CONTROL BY LIMITING INDEPENDENT OVERSIGHT.

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